

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3266
OFFERED BY MR. COX AND MR. TURNER**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Faster and Smarter Funding for First Responders Act
4 of 2004”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Faster and Smarter Funding for First Responders.

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

“1801. Faster and Smarter Funding for First Responders.
“1802. Essential capabilities for First Responders.
“1803. Task Force on Essential Capabilities for First Responders.
“1804. Grant criteria and eligibility.
“1805. Use of funds and accountability requirements.
“1806. National standards for first responder equipment and training.
“1807. Definitions.

Sec. 4. Modification of Homeland Security Advisory System.
“Sec. 203. Homeland Security Advisory System.
Sec. 5. Coordination of industry efforts.
Sec. 6. Superseded provision.
Sec. 7. Sense of Congress regarding interoperable communications.
Sec. 8. Sense of Congress regarding Citizen Corps.
Sec. 9. Authorization of appropriations.

7 SEC. 2. FINDINGS.

8 The Congress finds the following:



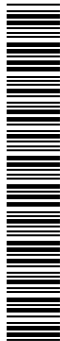
1 (1) In order to achieve its objective of mini-
2 mizing the damage, and assisting in the recovery,
3 from terrorist attacks, the Department of Homeland
4 Security must play a leading role in assisting com-
5 munities to reach the level of preparedness they need
6 to respond to a terrorist attack.

7 (2) First responder funding is not reaching the
8 men and women of our Nation's first response teams
9 quickly enough, and sometimes not at all.

10 (3) To reform the current bureaucratic process
11 so that homeland security dollars reach the first re-
12 sponders who need it most, it is necessary to clarify
13 and consolidate the authority and procedures of the
14 Department of Homeland Security to support first
15 responders.

16 (4) Insuring adequate resources for the new na-
17 tional mission of homeland security requires a dis-
18 crete and separate grant making process for home-
19 land security funds for first response to terrorist
20 acts, on the one hand, and for first responder pro-
21 grams designed to meet pre-9/11 priorities, on the
22 other.

23 (5) Homeland security grants to first respond-
24 ers must be based on the best intelligence con-
25 cerning the capabilities and intentions of our ter-



1 rorist enemies, and that intelligence must be used to
2 target resources to the Nation's greatest risks,
3 vulnerabilities, and consequences.

4 (6) The Nation's first response capabilities will
5 be improved by sharing resources, training, plan-
6 ning, personnel, and equipment among neighboring
7 jurisdictions through mutual aid agreements and re-
8 gional cooperation. Such regional cooperation should
9 be supported, where appropriate, through direct
10 grant making from the Department of Homeland
11 Security.

12 (7) An essential prerequisite to achieving the
13 Nation's homeland security objectives for first re-
14 sponders is the establishment of well-defined na-
15 tional goals for terrorism preparedness. These goals
16 should delineate the essential capabilities that every
17 jurisdiction in America should possess or to which it
18 should have access.

19 (8) A national determination of essential capa-
20 bilities is needed to identify levels of State and local
21 government terrorism preparedness, to determine
22 the nature and extent of State and local first re-
23 sponder needs, to identify the human and financial
24 resources required to fulfill them, and to direct fund-



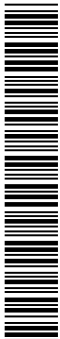
1 ing to meet those needs and to measure prepared-
2 ness levels on a national scale.

3 (9) To facilitate progress in attaining essential
4 capabilities for State and local first responders, the
5 Department of Homeland Security should seek to al-
6 locate homeland security funding for first responders
7 to meet nationwide needs.

8 (10) Private sector resources and citizen volun-
9 teers can perform critical functions in assisting in
10 preventing and responding to terrorist attacks, and
11 should be integrated into State and local planning
12 efforts to ensure that their capabilities and roles are
13 understood, so as to provide enhanced State and
14 local operational capability and surge capacity.

15 (11) Public-private partnerships, such as the
16 partnership between the Business Executives for Na-
17 tional Security and the States of New Jersey and
18 Georgia, can be useful to identify and coordinate pri-
19 vate sector support for State and local first respond-
20 ers. Such models should be expanded to cover all
21 States and territories.

22 (12) An important component of national
23 standards is measurability, so that it is possible to
24 determine how prepared a State or local government



1 is now, and what additional steps it needs to take,
2 in order to respond to acts of terrorism.

3 (13) The Department of Homeland Security
4 should establish, publish, and regularly update na-
5 tional voluntary consensus standards for both train-
6 ing and equipment, in cooperation with both public
7 and private sector standard setting organizations, to
8 assist State and local governments in obtaining the
9 training and equipment to attain the essential capa-
10 bilities for first response to acts of terrorism, and to
11 insure that first responder funds are spent wisely.

12 **SEC. 3. FASTER AND SMARTER FUNDING FOR FIRST RE-**
13 **SPONDERS.**

14 (a) IN GENERAL.—The Homeland Security Act of
15 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is
16 amended—

17 (1) in section 1(b) in the table of contents by
18 adding at the end the following:

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

“1801. Faster and smarter funding for first responders.

“1802. Essential capabilities for first responders.

“1803. Task Force on Essential Capabilities for First Responders.

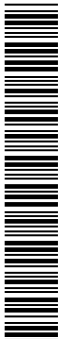
“1804. Grant criteria and eligibility.

“1805. Use of funds and accountability requirements.

“1806. National standards for first responder equipment and training.

“1807. Definitions.”; and

19 (2) by adding at the end the following:



1 **“TITLE XVIII—FUNDING FOR**
2 **FIRST RESPONDERS**

3 **“SEC. 1801. FASTER AND SMARTER FUNDING FOR FIRST RE-**
4 **SPONDERS.**

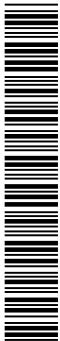
5 “(a) COVERED GRANTS.—This title applies to any
6 grant provided by the Department to States or regions to
7 improve the ability of first responders to prevent, prepare
8 for, respond to, or mitigate threatened or actual terrorist
9 attacks, especially those involving weapons of mass de-
10 struction, and including any grant under the following:

11 “(1) STATE HOMELAND SECURITY GRANT PRO-
12 GRAM.—The State Homeland Security Grant Pro-
13 gram of the Department, or any successor to such
14 grant program.

15 “(2) URBAN AREA SECURITY INITIATIVE.—The
16 Urban Area Security Initiative of the Department,
17 or any successor to such grant program.

18 “(b) EXCLUDED PROGRAMS.—This title does not
19 apply to or otherwise affect the following Federal grant
20 programs or any grant under such a program:

21 “(1) NONDEPARTMENT PROGRAMS.—Any Fed-
22 eral grant program that is not administered by the
23 Department.



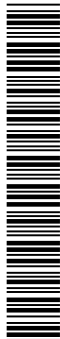
1 “(2) FIRE GRANT PROGRAMS.—The fire grant
2 programs authorized by sections 33 and 34 of the
3 Federal Fire Prevention and Control Act of 1974.

4 “(3) EMERGENCY MANAGEMENT PLANNING
5 AND ASSISTANCE ACCOUNT GRANTS.—The Emer-
6 gency Management Performance Grant program and
7 the Urban Search and Rescue Grants program au-
8 thorized by title VI of the Robert T. Stafford Dis-
9 aster Relief and Emergency Assistance Act (42
10 U.S.C. 5195 et seq.); the Departments of Veterans
11 Affairs and Housing and Urban Development, and
12 Independent Agencies Appropriations Act, 2000
13 (113 Stat. 1047 et seq.); and the Earthquake Haz-
14 ards Reduction Act of 1977 (42 U.S.C. 7701 et
15 seq.).

16 **“SEC. 1802. ESSENTIAL CAPABILITIES FOR FIRST RESPOND-**
17 **ERS.**

18 “(a) ESTABLISHMENT OF ESSENTIAL CAPABILI-
19 TIES.—

20 “(1) IN GENERAL.—The Secretary shall estab-
21 lish clearly defined essential capabilities for State
22 and local government preparedness for terrorism, in
23 consultation with—



1 “(A) the Task Force on Essential Capabili-
2 ties for First Responders established under sec-
3 tion 1803;

4 “(B) the Under Secretaries for Emergency
5 Preparedness and Response, Border and Trans-
6 portation Security, Information Analysis and
7 Infrastructure Protection, and Science and
8 Technology, and the Director of the Office for
9 Domestic Preparedness;

10 “(C) other appropriate Federal agencies;

11 “(D) State and local first responder agen-
12 cies and officials; and

13 “(E) groups responsible for setting stand-
14 ards relevant to the first responder community.

15 “(2) DEADLINES.—The Secretary shall—

16 “(A) determine essential capabilities under
17 paragraph (1) within 30 days after receipt of
18 the initial submission of a final report under
19 section 1803(c)(2); and

20 “(B) regularly update such essential capa-
21 bilities as necessary, but not less than every
22 three years.

23 “(3) PROVISION OF ESSENTIAL CAPABILI-
24 TIES.—The Secretary shall ensure that the essential
25 capabilities established under paragraph (1) are pro-



1 vided promptly to the States and to the Congress.

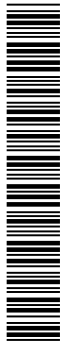
2 The States shall make the essential capabilities
3 available as necessary and appropriate to local gov-
4 ernments within their jurisdictions.

5 “(b) OBJECTIVES.—The Secretary shall ensure that
6 the essential capabilities for State and local government
7 preparedness for terrorism under subsection (a) meet the
8 following objectives:

9 “(1) SPECIFICITY.—The determination of es-
10 sential capabilities specifically shall describe the
11 training, planning, personnel, and equipment that
12 different types of communities in the Nation should
13 possess, or to which they should have access, in
14 order to meet the Department’s goals for terrorism
15 preparedness based upon—

16 “(A) the most current risk assessment
17 available by the Directorate for Information
18 Analysis and Infrastructure Protection of the
19 threats of terrorism against the United States;
20 and

21 “(B) the types of threats, vulnerabilities,
22 geography, size, and other factors that the Sec-
23 retary has determined to be applicable to each
24 different type of community.



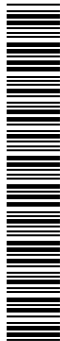
1 “(2) FLEXIBILITY.—The determination of es-
2 sential capabilities shall be sufficiently flexible to
3 allow State and local government officials to set pri-
4 orities based on particular needs, while reaching na-
5 tionally determined terrorism preparedness levels
6 within a specified time period.

7 “(3) MEASURABILITY.—The determination of
8 essential capabilities shall be designed to enable
9 measurement of progress towards specific terrorism
10 preparedness goals.

11 “(c) THREATS TO BE CONSIDERED.—

12 “(1) IN GENERAL.—In determining the essen-
13 tial capabilities for first responders, the Secretary
14 specifically shall consider the variables of threat, vul-
15 nerability, and consequences with respect to the Na-
16 tion’s population (including transient commuting
17 and tourist populations) and critical infrastructure.
18 Such consideration shall be based upon the most
19 current risk assessment available by the Directorate
20 for Information Analysis and Infrastructure Protec-
21 tion of the threats of terrorism against the United
22 States.

23 “(2) CRITICAL INFRASTRUCTURE SECTORS.—
24 The Secretary specifically shall consider threats of



1 terrorism against the following critical infrastructure
2 sectors in all areas of the Nation, urban and rural:

3 “(A) Agriculture.

4 “(B) Banking and finance.

5 “(C) Chemical industries.

6 “(D) The defense industrial base.

7 “(E) Emergency services.

8 “(F) Energy.

9 “(G) Food.

10 “(H) Government.

11 “(I) Postal and shipping.

12 “(J) Public health.

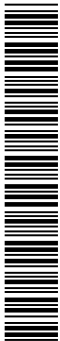
13 “(K) Information and telecommunications
14 networks.

15 “(L) Transportation.

16 “(M) Water.

17 The order in which the critical infrastructure sectors
18 are listed in this paragraph shall not be construed
19 as an order of priority for consideration of the im-
20 portance of such sectors.

21 “(3) CONSIDERATION OF ADDITIONAL
22 THREATS.—The Secretary’s determination of essen-
23 tial capabilities under subsection (a)(1) shall take
24 into account any other specific threat to a popu-
25 lation (including a transient commuting or tourist



1 population) or critical infrastructure sector that the
2 Secretary has determined to exist.

3 **“SEC. 1803. TASK FORCE ON ESSENTIAL CAPABILITIES FOR**
4 **FIRST RESPONDERS.**

5 “(a) ESTABLISHMENT.—To assist the Secretary in
6 carrying out the responsibility for the determination of es-
7 sential capabilities for first responders under this section,
8 the Secretary shall establish an advisory body to be known
9 as the Task Force on Essential Capabilities for First Re-
10 sponders not later than 60 days after the date of the en-
11 actment of this section.

12 “(b) DRAFT REPORT.—

13 “(1) IN GENERAL.—The Task Force shall sub-
14 mit to the Secretary, not later than one year after
15 its establishment by the Secretary under subsection
16 (a) and every 3 years thereafter, a draft report on
17 its recommendations for the essential capabilities all
18 State and local government first responders should
19 possess, or to which they should have access, to en-
20 hance terrorism preparedness, including—

21 “(A) to prevent a terrorist attack;

22 “(B) to protect persons and critical infra-
23 structure against attack; and

24 “(C) to enhance terrorism response and
25 mitigation capabilities if such an attack occurs.



1 “(2) THREATS TO BE CONSIDERED IN DETER-
2 MINING ESSENTIAL CAPABILITIES.—

3 “(A) IN GENERAL.—In reporting to the
4 Secretary on its recommendations for essential
5 capabilities, the Task Force specifically shall
6 consider the critical infrastructure sectors de-
7 scribed in section 1802(c)(2), and the threats to
8 populations in all areas of the Nation, urban
9 and rural, including the following:

10 “(i) Biological threats.

11 “(ii) Nuclear threats.

12 “(iii) Radiological threats.

13 “(iv) Incendiary threats.

14 “(v) Chemical threats.

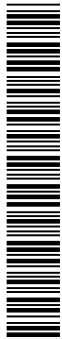
15 “(vi) Explosives.

16 “(vii) Suicide bombers.

17 “(viii) Cyber threats.

18 “(ix) Any other threats based on prox-
19 imity to specific past acts of terrorism or
20 the known activity of any terrorist group.

21 “(B) NO PRIORITY.—The order in which
22 the threats are listed in subparagraph (A) shall
23 not be construed as an order of priority for con-
24 sideration of the importance of such threats.



1 “(3) RISK-BASED.—The draft report shall be
2 based upon the most current risk assessment avail-
3 able by the Directorate for Information Analysis and
4 Infrastructure Protection of the threats of terrorism
5 against the United States provided to the Task
6 Force pursuant to subsection (d).

7 “(4) CONTENTS.—The draft report shall—

8 “(A) include a priority ranking of essential
9 capabilities, in order to provide guidance to the
10 Secretary and to the Congress on determining
11 the appropriate allocation of, and funding levels
12 for, first responder needs;

13 “(B) set forth a methodology by which any
14 State or local government will be able to deter-
15 mine the extent to which it possesses or has ac-
16 cess to the essential capabilities that States and
17 local governments having similar risks should
18 obtain;

19 “(C) describe the availability of national
20 voluntary consensus standards, and whether
21 there is a need for new national voluntary con-
22 sensus standards, with respect to first re-
23 sponder training and equipment;

24 “(D) include such additional matters as
25 the Secretary may specify in order to further



1 the terrorism preparedness capabilities of first
2 responders; and

3 “(E) include such revisions to the contents
4 of past reports as are necessary to take into ac-
5 count changes in the most current risk assess-
6 ment available by the Directorate for Informa-
7 tion Analysis and Infrastructure Protection or
8 other relevant information as determined by the
9 Secretary.

10 “(c) REVIEW AND REVISION OF DRAFT REPORT.—

11 “(1) REVIEW AND COMMENTS.—Within 30 days
12 after the date of the submission of the draft report
13 by the Task Force under subsection (b), the Sec-
14 retary shall review and provide comments to the
15 Task Force on the contents of its draft report on es-
16 sential capabilities under subsection (b).

17 “(2) REVISION AND SUBMISSION OF FINAL RE-
18 PORT.—Within 30 days after receiving the Sec-
19 retary’s comments, the Task Force shall—

20 “(A) revise its draft report on essential ca-
21 pabilities under subsection (b) based on the
22 comments provided by the Secretary, and any
23 other comments it has solicited and received, if
24 the Task Force determines that such revisions
25 are appropriate; and



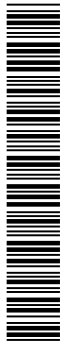
1 “(B) submit the final report on essential
2 capabilities to the Secretary and to the Con-
3 gress.

4 “(d) TASK FORCE ACCESS TO INFORMATION.—

5 “(1) SECURITY CLEARANCES.—In carrying out
6 its responsibilities under this section, the Task
7 Force shall be provided as a matter of priority ap-
8 propriate security clearances, including interim secu-
9 rity clearances.

10 “(2) ACCESS TO FINISHED INTELLIGENCE.—In
11 carrying out its responsibilities under this section,
12 the Task Force shall be provided access to all fin-
13 ished intelligence and analytic products it may re-
14 quest from the Directorate for Information Analysis
15 and Infrastructure Protection or other sources with-
16 in the Department concerning the nature and likeli-
17 hood of terrorist attacks on the territory of the
18 United States.

19 “(3) ACCESS TO ASSESSMENT TOOLS.—In car-
20 rying out its responsibilities under this section, the
21 Task Force shall be provided access to all tools or
22 methodologies currently or formerly used by the De-
23 partment and its predecessor organizations to assess
24 the preparedness capabilities of State and local gov-
25 ernments.



1 “(4) VALID CLEARANCES.—Nothing in this sec-
2 tion shall be considered to authorize a member of
3 the Task Force to have access to classified informa-
4 tion unless that member possesses a valid clearance
5 to receive such information.

6 “(e) MEMBERSHIP.—

7 “(1) IN GENERAL.—The Task Force shall con-
8 sist of 25 members appointed by the Secretary, and
9 shall—

10 “(A) represent a cross section of first re-
11 sponder disciplines; and

12 “(B) include both State and local rep-
13 resentatives within each discipline.

14 “(2) TERM OF MEMBERS.—Each appointed
15 member of the Task Force shall serve for a term not
16 to exceed 18 months. No individual may be ap-
17 pointed as a member of the Task Force for more
18 than 2 terms.

19 “(3) SELECTION OF MEMBERS.—The Secretary
20 shall include in the membership of the Task Force—

21 “(A) members selected from the emergency
22 response field, including firefighters, law en-
23 forcement, hazardous materials response, emer-
24 gency medical services, and emergency manage-
25 ment personnel, including public works per-



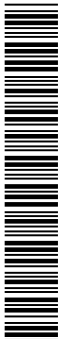
1 sonnel routinely engaged in emergency re-
2 sponse;

3 “(B) health scientists, emergency and in-
4 patient medical providers, and public health
5 professionals, including experts in emergency
6 health care response to chemical, biological, ra-
7 diological, and nuclear terrorism, and experts in
8 providing mental health care during emergency
9 response operations;

10 “(C) experts from Federal, State, and local
11 governments, and the private sector, rep-
12 resenting standards-setting organizations, in-
13 cluding representation from the voluntary con-
14 sensus codes and standards development com-
15 munity, particularly those with expertise in fire-
16 fighting, law enforcement, and emergency med-
17 ical services delivery; and

18 “(D) State and local officials with exper-
19 tise in terrorism preparedness, subject to the
20 condition that if any such officials are elected
21 officials, an equal number shall be selected from
22 each of the two major political parties.

23 “(4) EX OFFICIO MEMBERS.—The Secretary
24 shall appoint one or more officers of the Department
25 to serve as ex officio members of the Task Force,



1 one of whom shall be the designated officer of the
2 Federal Government for purposes of subsection (e)
3 of section 10 of the Federal Advisory Committee
4 Act.

5 “(5) DIVERSITY IN COMPOSITION OF TASK
6 FORCE.—In appointing members to the Task Force,
7 the Secretary shall ensure, to the extent practicable,
8 that its membership—

9 “(A) is geographically diverse;

10 “(B) includes representatives from both
11 rural and urban jurisdictions;

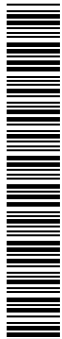
12 “(C) includes representatives from both
13 management and labor;

14 “(D) includes representatives from both
15 uniformed and nonuniformed professions;

16 “(E) includes representatives from both
17 voluntary and professional services;

18 “(F) includes representatives from both
19 government and nongovernment emergency
20 medical services; and

21 “(G) includes sufficient personnel with se-
22 curity clearances necessary to review classified
23 materials that may be needed to conduct the
24 business of the Task Force.



1 “(6) CHAIR.—At the first meeting of the Task
2 Force, the membership of the Task Force appointed
3 under paragraph (3) shall elect a chair of the Task
4 Force.

5 “(f) MEETINGS.—The Task Force shall meet as often
6 as necessary to complete the draft reports in accordance
7 with this section.

8 “(g) PAY.—

9 “(1) IN GENERAL.—Members of the Task
10 Force shall serve without pay by reason of their
11 work on the Task Force.

12 “(2) FEDERAL OFFICERS AND EMPLOYEES.—
13 Members of the Task Force who are officers or em-
14 ployees of the United States shall receive no addi-
15 tional pay by reason of their service as a member of
16 the Task Force.

17 “(h) TRAVEL EXPENSES.—Members of the Task
18 Force shall be allowed travel expenses, including per diem
19 in lieu of subsistence, at rates authorized for employees
20 of agencies under subchapter I of chapter 57 of title 5,
21 United States Code, while away from their homes or reg-
22 ular places of business in the performance of services for
23 the Task Force.

24 “(i) SERVICES, FUNDS, AND STAFF.—The Secretary
25 shall provide to the Task Force, on a non-reimbursable



1 basis, such administrative services, funds, staff, facilities,
2 and other support services as the Secretary determines
3 necessary, in consultation with the chair of the Task
4 Force, for the Task Force to perform its duty efficiently
5 and in accordance with this section.

6 “(j) DETAILS.—Upon the request of the Task Force,
7 the Secretary may detail, without reimbursement, any per-
8 sonnel of the Department to assist the Task Force in car-
9 rying out its duties. Any such detail of an employee shall
10 be without interruption or loss of civil service status or
11 privilege.

12 “(k) APPLICABILITY OF FEDERAL ADVISORY COM-
13 MITTEE ACT.—The Federal Advisory Committee Act (5
14 U.S.C. App.), including subsections (a), (b), and (d) of
15 section 10 of such Act, and section 552b(c) of title 5,
16 United States Code, shall apply to the Task Force.

17 **“SEC. 1804. GRANT CRITERIA AND ELIGIBILITY.**

18 “(a) GRANT ELIGIBILITY.—Any State or region shall
19 be eligible to apply for a covered grant.

20 “(b) GRANT CRITERIA.—In awarding covered grants,
21 the Secretary shall assist States and local governments in
22 achieving the essential capabilities for first responders es-
23 tablished by the Secretary under section 1802.

24 “(c) STATE HOMELAND SECURITY PLANS.—



1 “(1) SUBMISSION OF PLANS.—The Secretary
2 shall require that any State applying to the Sec-
3 retary for a covered grant must submit to the Sec-
4 retary a 3-year State homeland security plan that—

5 “(A) demonstrates the extent to which the
6 State has achieved the essential capabilities
7 that apply to the State, and describes the ex-
8 tent to which the State used the methodology
9 as set forth in section 1803(b)(4)(B) to evalu-
10 ate the level of its essential capabilities;

11 “(B) demonstrates the additional needs of
12 the State necessary to achieve the essential ca-
13 pabilities that apply to the State;

14 “(C) includes a prioritization of such addi-
15 tional needs based on threat, vulnerability, and
16 consequence assessment factors applicable to
17 the State;

18 “(D) describes how the State intends—

19 “(i) to address such additional needs
20 at the city, county, regional, State, and
21 interstate level;

22 “(ii) to use all Federal, State, and
23 local resources available for the purpose of
24 addressing such additional needs; and



1 “(iii) to give particular emphasis on
2 regional planning and cooperation, both
3 within its jurisdictional borders and with
4 neighboring States; and

5 “(E) is developed in consultation with and
6 subject to appropriate comment by local govern-
7 ments within the State.

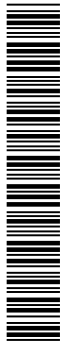
8 “(2) APPROVAL BY SECRETARY.—The Sec-
9 retary may not award any covered grant to a State
10 unless the Secretary has approved the applicable
11 State homeland security plan.

12 “(d) CONSISTENCY WITH STATE PLANS.—The Sec-
13 retary shall ensure that each covered grant is used to sup-
14 plement and support, in a consistent and coordinated
15 manner, the applicable State homeland security plan or
16 plans.

17 “(e) APPLICATION FOR GRANT.—

18 “(1) IN GENERAL.—Any State or region may
19 apply for a covered grant by submitting to the Sec-
20 retary an application at such time, in such manner,
21 and containing such information as is required
22 under this subsection, and as the Secretary may rea-
23 sonably require.

24 “(2) DEADLINES FOR APPLICATIONS AND
25 AWARDS.—All applications for covered grants must



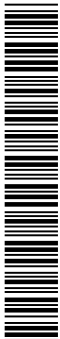
1 be submitted to the Secretary no later than Feb-
2 ruary 15 of the fiscal year for which they are sub-
3 mitted. The Secretary shall award covered grants
4 pursuant to all approved applications for such fiscal
5 year as soon as practicable, but not later than July
6 31 of such year.

7 “(3) AVAILABILITY OF FUNDS.—All funds
8 awarded by the Secretary under covered grants in a
9 fiscal year shall be available for obligation through
10 the end of the subsequent fiscal year.

11 “(4) MINIMUM CONTENTS OF APPLICATION.—
12 The Secretary shall require that each applicant in-
13 clude in its application, at a minimum—

14 “(A) the purpose for which the applicant
15 seeks grant funds and the reasons why the ap-
16 plicant needs the grant to meet the essential ca-
17 pabilities for terrorism preparedness within the
18 State or region to which the application per-
19 tains;

20 “(B) a description of how, by reference to
21 the applicable State homeland security plan or
22 plans under subsection (c), the allocation of
23 grant funding proposed in the application, in-
24 cluding, where applicable, the amount not
25 passed through under section 1805(e)(1), would



1 assist in fulfilling the essential capabilities spec-
2 ified in such plan or plans;

3 “(C) a statement of whether a mutual aid
4 agreement applies to the use of all or any por-
5 tion of the grant funds;

6 “(D) if the applicant is a region—

7 “(i) a precise geographical description
8 of the region and a specification of all par-
9 ticipating and nonparticipating local gov-
10 ernments within the geographical area
11 comprising that region;

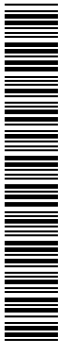
12 “(ii) a specification of what govern-
13 mental entity within the region will admin-
14 ister the expenditure of funds under the
15 grant; and

16 “(iii) a designation of a specific indi-
17 vidual to serve as regional liaison;

18 “(E) a capital budget showing how the ap-
19 plicant intends to allocate and expend the grant
20 funds; and

21 “(F) a statement of how the applicant in-
22 tends to meet the matching requirement, if any,
23 under section 1805(e)(2).

24 “(5) REGIONAL APPLICATIONS.—

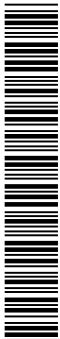


1 “(A) SUBMISSION TO STATE OR STATES.—

2 To ensure the consistency required under sub-
3 section (d), an applicant that is a region must
4 simultaneously submit its application to the De-
5 partment and to each State of which any part
6 is included in the region.

7 “(B) OPPORTUNITY FOR STATE COM-
8 MENT.—Before awarding any covered grant to
9 a region, the Secretary shall provide an oppor-
10 tunity to each State of which any part is in-
11 cluded in a region, during the 30-day period be-
12 ginning on the date on which the region sub-
13 mits an application for a covered grant, to com-
14 ment to the Secretary on the consistency of the
15 region’s plan with each State’s homeland secu-
16 rity plan or plans.

17 “(C) FINAL AUTHORITY.—The Secretary
18 shall have final authority to determine the con-
19 sistency of any regional application with the ap-
20 plicable State homeland security plan or plans
21 and approve any regional application. The Sec-
22 retary shall notify each State of which any part
23 is included in a region of the approval of a re-
24 gional application for that region.



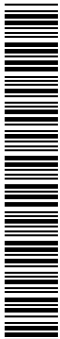
1 “(D) REGIONAL LIAISONS.—A regional li-
2 aision designated under paragraph (4)(D)(iii)
3 shall—

4 “(i) coordinate with Federal, State,
5 local, regional, and private officials within
6 the region concerning terrorism prepared-
7 ness;

8 “(ii) develop a process for receiving
9 input from Federal, State, local, regional,
10 and private sector officials within the re-
11 gion to assist in the development of the re-
12 gional application and to improve the re-
13 gion’s access to covered grants; and

14 “(iii) administer, in consultation with
15 State, local, regional, and private officials
16 within the region, covered grants awarded
17 to the region.

18 “(6) EQUIPMENT STANDARDS.—If an applicant
19 for a covered grant proposes to upgrade or purchase,
20 with assistance provided under the grant, new equip-
21 ment or systems that do not meet or exceed any ap-
22 plicable national voluntary consensus standards es-
23 tablished by the Secretary under section 1806(a),
24 the applicant shall include in the application an ex-
25 planation of why such equipment or systems will



1 serve the needs of the applicant better than equip-
2 ment or systems that meet or exceed such standards.

3 “(f) FIRST RESPONDER GRANTS BOARD.—

4 “(1) ESTABLISHMENT OF BOARD.—The Sec-
5 retary shall establish a First Responder Grants
6 Board, consisting of—

7 “(A) the Secretary;

8 “(B) the Under Secretary for Emergency
9 Preparedness and Response;

10 “(C) the Under Secretary for Border and
11 Transportation Security;

12 “(D) the Under Secretary for Information
13 Analysis and Infrastructure Protection;

14 “(E) the Under Secretary for Science and
15 Technology; and

16 “(F) the Director of the Office for Domes-
17 tic Preparedness.

18 “(2) CHAIRMAN.—

19 “(A) IN GENERAL.—The Secretary shall be
20 the Chairman of the Board.

21 “(B) EXERCISE OF AUTHORITIES BY DEP-
22 UTY SECRETARY.—The Deputy Secretary of
23 Homeland Security may exercise the authorities
24 of the Chairman, if the Secretary so directs.

25 “(3) RANKING OF GRANT APPLICATIONS.—



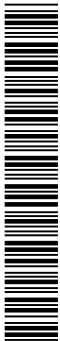
1 “(A) PRIORITIZATION OF GRANTS.—The
2 Board shall evaluate and annually prioritize all
3 current applications for covered grants based
4 upon the degree to which they would lessen the
5 threat, vulnerability, and consequences to per-
6 sons and critical infrastructure.

7 “(B) ACHIEVING NATIONWIDE CAPA-
8 BILITY.—In evaluating and prioritizing grant
9 applications under subparagraph (A), the Board
10 shall—

11 “(i) seek to achieve and enhance es-
12 sential capabilities throughout the Nation;
13 and

14 “(ii) seek to allocate a portion of the
15 funds available for covered grants each fis-
16 cal year for the purpose of making covered
17 grants to each approved applicant that the
18 Board determines has demonstrated a
19 valid need in its application.

20 “(4) FUNCTIONS OF UNDER SECRETARIES.—
21 The Under Secretaries referred to in paragraph (1)
22 shall seek to ensure that the relevant expertise and
23 input of the staff of their directorates are available
24 to and considered by the Board.



1 **“SEC. 1805. USE OF FUNDS AND ACCOUNTABILITY RE-**
2 **QUIREMENTS.**

3 “(a) IN GENERAL.—A covered grant may be used
4 for—

5 “(1) purchasing or upgrading equipment, in-
6 cluding computer software, to enhance terrorism
7 preparedness and response;

8 “(2) exercises to strengthen terrorism prepared-
9 ness and response;

10 “(3) training for prevention (including detec-
11 tion) of, preparedness for, or response to attacks in-
12 volving weapons of mass destruction, including train-
13 ing in the use of equipment and computer software;

14 “(4) developing or updating response plans;

15 “(5) establishing or enhancing mechanisms for
16 sharing terrorism threat information pursuant to
17 this Act;

18 “(6) systems architecture and engineering, pro-
19 gram planning and management, strategy formula-
20 tion and strategic planning, life-cycle systems de-
21 sign, product and technology evaluation, and proto-
22 type development for terrorism preparedness and re-
23 sponse purposes;

24 “(7) additional personnel costs resulting from—

25 “(A) elevations in the threat alert level of
26 the Homeland Security Advisory System;



1 “(B) travel to and participation in exer-
2 cises and training in the use of equipment and
3 on prevention activities; and

4 “(C) the temporary replacement of per-
5 sonnel during any period of travel to and par-
6 ticipation in exercises and training in the use of
7 equipment and on prevention activities;

8 “(8) the costs of equipment (including software)
9 required to receive, transmit, handle, and store clas-
10 sified information;

11 “(9) enhancing facilities to serve as operations
12 centers, or hardening critical infrastructure against
13 potential attack by the addition of barriers, fences,
14 gates, and other such devices;

15 “(10) the costs of commercially available equip-
16 ment that complies with, where applicable, national
17 voluntary consensus standards, and that facilitates
18 interoperability, coordination, and integration be-
19 tween emergency communications systems,
20 including—

21 “(A) mobile vehicles that contain equip-
22 ment such as commercial telephone trunk lines,
23 VHF and UHF radios, patch panels, and
24 crosspatches, among other technologies and
25 equipment; and



1 “(B) communications system overlay soft-
2 ware and hardware that allow multiple dis-
3 parate communications networks to act as one
4 network;

5 “(11) educational curricula development for
6 first responders to ensure that they are prepared for
7 terrorist attacks;

8 “(12) training and exercises to assist public ele-
9 mentary and secondary schools in developing and
10 implementing programs to instruct students regard-
11 ing age-appropriate skills to prepare for and respond
12 to an act of terrorism; and

13 “(13) other appropriate activities as determined
14 by the Secretary.

15 “(b) PROHIBITED USES.—Funds provided as a cov-
16 ered grant may not be used—

17 “(1) to supplant State or local funds for, or
18 otherwise support, traditional missions of State and
19 local law enforcement, firefighters, emergency med-
20 ical services, or public health agencies, unless such
21 support serves a dual purpose and the funds are pri-
22 marily intended to enhance terrorism preparedness;

23 “(2) to construct buildings or other physical fa-
24 cilities;

25 “(3) to acquire land; or



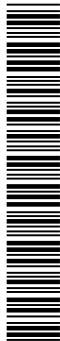
1 “(4) for any State or local government cost
2 sharing contribution.

3 “(c) ASSISTANCE REQUIREMENT.—The Secretary
4 may not request that equipment paid for, wholly or in
5 part, with funds provided as a covered grant be made
6 available for responding to emergencies in surrounding
7 States, regions, and localities, unless the Secretary under-
8 takes to pay the costs directly attributable to transporting
9 and operating such equipment during such response.

10 “(d) FLEXIBILITY IN UNSPENT HOMELAND SECU-
11 RITY GRANT FUNDS.—Upon request by the recipient of
12 a covered grant, the Secretary may authorize the grantee
13 to transfer all or part of funds provided as a covered grant
14 from uses specified in the grant to other uses authorized
15 under this section, if the Secretary determines that such
16 transfer is in the interests of homeland security.

17 “(e) STATE AND REGIONAL RESPONSIBILITIES.—

18 “(1) PASS-THROUGH.—The Secretary shall re-
19 quire a recipient of a covered grant that is a State
20 to obligate or otherwise make available to local gov-
21 ernments, first responders, and other local groups,
22 to the extent required under the State homeland se-
23 curity plan or plans specified in the application for
24 the grant, not less than 80 percent of the grant
25 funds, resources purchased with the grant funds



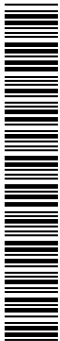
1 having a value equal to at least 80 percent of the
2 amount of the grant, or a combination thereof, by
3 not later than the end of the 45-day period begin-
4 ning on the date the grant recipient receives the
5 grant funds.

6 “(2) COST SHARING.—

7 “(A) IN GENERAL.—The Federal share of
8 the costs of an activity carried out with a cov-
9 ered grant to a State or region awarded after
10 the 2-year period beginning on the date of the
11 enactment of this section shall not exceed 75
12 percent.

13 “(B) INTERIM RULE.—The Federal share
14 of the costs of an activity carried out with a
15 covered grant awarded before the end of the 2-
16 year period beginning on the date of the enact-
17 ment of this section shall be 100 percent.

18 “(C) IN-KIND MATCHING.—Each recipient
19 of a covered grant may meet the matching re-
20 quirement under subparagraph (A) by making
21 in-kind contributions of goods or services that
22 are directly linked with the purpose for which
23 the grant is made, including, but not limited to,
24 any necessary personnel overtime, contractor



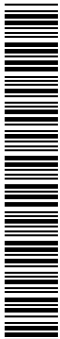
1 services, administrative costs, equipment fuel
2 and maintenance, and rental space.

3 “(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—
4 Any State that receives a covered grant shall certify
5 to the Secretary, by not later than 30 days after the
6 expiration of the period described in paragraph (1)
7 with respect to the grant, that the State has made
8 available for expenditure by local governments, first
9 responders, and other local groups the required
10 amount of grant funds pursuant to paragraph (1).
11

12 “(4) REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit
13 a report to the Secretary, not later than 60 days
14 after the end of each fiscal year. Each recipient of
15 a covered grant that is a region must simultaneously
16 submit its report to each State of which any part is
17 included in the region. Each report must include the
18 following:
19

20 “(A) The amount, ultimate recipients, and
21 dates of receipt of all grant funds received during
22 the previous fiscal year.

23 “(B) The amount and the dates of disbursements of all funds expended in compliance
24 with paragraph (1) or pursuant to mutual aid
25



1 agreements or other sharing arrangements that
2 apply within a region during the previous fiscal
3 year.

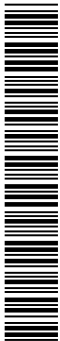
4 “(C) How the funds were utilized by each
5 ultimate recipient or beneficiary during the pre-
6 vious fiscal year.

7 “(D) The extent to which essential capa-
8 bilities identified in the applicable State home-
9 land security plan or plans were achieved or en-
10 hanced as the result of the expenditure of grant
11 funds during the previous fiscal year.

12 “(E) The extent to which essential capa-
13 bilities identified in the applicable State home-
14 land security plan or plans remain unmet.

15 “(5) INCLUSION OF RESTRICTED ANNEXES.—A
16 recipient of a covered grant may submit to the Sec-
17 retary an annex to the report under paragraph (4)
18 that is subject to appropriate handling restrictions,
19 if the recipient believes that discussion in the report
20 of unmet needs would reveal sensitive but unclassi-
21 fied information.

22 “(6) PROVISION OF REPORTS.—The Secretary
23 shall ensure that each report under paragraph (4) is
24 provided to the Under Secretary for Emergency Pre-



1 paredness and Response and the Director of the Of-
2 fice for Domestic Preparedness.

3 “(f) INCENTIVES TO EFFICIENT ADMINISTRATION OF
4 HOMELAND SECURITY GRANTS.—

5 “(1) PENALTIES FOR DELAY IN PASSING
6 THROUGH LOCAL SHARE.—If a recipient of a cov-
7 ered grant that is a State fails to pass through to
8 local governments, first responders, and other local
9 groups funds or resources required by subsection
10 (e)(1) within 45 days after receiving funds under the
11 grant, the Secretary may—

12 “(A) reduce grant payments to the grant
13 recipient from the portion of grant funds that
14 is not required to be passed through under sub-
15 section (e)(1);

16 “(B) terminate payment of funds under
17 the grant to the recipient, and transfer the ap-
18 propriate portion of those funds directly to local
19 first responders that were intended to receive
20 funding under that grant; or

21 “(C) impose additional restrictions or bur-
22 dens on the recipient’s use of funds under a
23 covered grant, which may include—

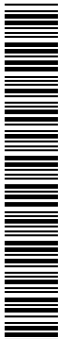


1 “(i) prohibiting use of such funds to
2 pay the grant recipient’s grant-related
3 overtime or other expenses;

4 “(ii) requiring the grant recipient to
5 distribute to local government beneficiaries
6 all or a portion of grant funds that are not
7 required to be passed through under sub-
8 section (e)(1); or

9 “(iii) for each day that the grant re-
10 cipient fails to pass through funds or re-
11 sources in accordance with subsection
12 (e)(1), reducing grant payments to the
13 grant recipient from the portion of grant
14 funds that is not required to be passed
15 through under subsection (e)(1), except
16 that the total amount of such reduction
17 may not exceed 20 percent of the total
18 amount of the grant.

19 “(2) EXTENSION OF PERIOD.—The Governor of
20 a State may request in writing that the Secretary
21 extend the 45-day period under paragraph (1) for an
22 additional 15 days. The Secretary may approve such
23 a request, and may extend such period for additional
24 15-day periods, if the Secretary determines that the
25 resulting delay in providing grant funding to the



1 local government entities that will receive funding
2 under the grant will not have a significant detri-
3 mental impact on such entity's terrorism prepared-
4 ness efforts.

5 “(3) PROVISION OF NON-LOCAL SHARE TO
6 LOCAL GOVERNMENT.—

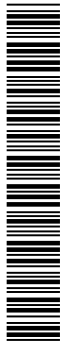
7 “(A) IN GENERAL.—The Secretary may
8 upon request by a local government pay to the
9 local government a portion of the amount of a
10 covered grant awarded to a State in which the
11 local government is located, if—

12 “(i) the local government will use the
13 amount paid to expedite planned enhance-
14 ments to its terrorism preparedness as de-
15 scribed in any applicable State homeland
16 security plan or plans;

17 “(ii) the State has failed to pass
18 through funds or resources in accordance
19 with subsection (e)(1); and

20 “(iii) the local government complies
21 with subparagraphs (B) and (C).

22 “(B) SHOWING REQUIRED.—To receive a
23 payment under this paragraph, a local govern-
24 ment must demonstrate that—



1 “(i) it is identified explicitly as an ul-
2 timate recipient or intended beneficiary in
3 the approved grant application;

4 “(ii) it was intended by the grantee to
5 receive a severable portion of the overall
6 grant for a specific purpose that is identi-
7 fied in the grant application;

8 “(iii) it petitioned the grantee for the
9 funds or resources after expiration of the
10 period within which the funds or resources
11 were required to be passed through under
12 subsection (e)(1); and

13 “(iv) it did not receive the portion of
14 the overall grant that was earmarked or
15 designated for its use or benefit.

16 “(C) EFFECT OF PAYMENT.—Payment of
17 grant funds to a local government under this
18 paragraph—

19 “(i) shall not affect any payment to
20 another local government under this para-
21 graph; and

22 “(ii) shall not prejudice consideration
23 of a request for payment under this para-
24 graph that is submitted by another local
25 government.



1 “(D) DEADLINE FOR ACTION BY SEC-
2 RETARY.—The Secretary shall approve or dis-
3 approve each request for payment under this
4 paragraph by not later than 15 days after the
5 date the request is received by the Department.

6 “(g) REPORTS TO CONGRESS.—The Secretary shall
7 submit an annual report to the Congress by December 31
8 of each year—

9 “(1) describing in detail the amount of Federal
10 funds provided as covered grants that were directed
11 to each State and region in the preceding fiscal year;

12 “(2) containing information on the use of such
13 grant funds by grantees; and

14 “(3) describing, on a nationwide and State-by-
15 State basis—

16 “(A) the extent to which essential capabili-
17 ties identified in applicable State homeland se-
18 curity plan or plans were created or enhanced
19 as the result of the expenditure of grant funds
20 during the previous fiscal year;

21 “(B) the extent to which essential capabili-
22 ties identified in applicable State homeland se-
23 curity plan or plans remain unmet; and

24 “(C) an estimate of the amount of Federal,
25 State, and local expenditures required to attain



1 across the United States the essential capabili-
2 ties established under section 1802(a).

3 **“SEC. 1806. NATIONAL STANDARDS FOR FIRST RESPONDER**
4 **EQUIPMENT AND TRAINING.**

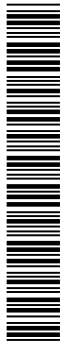
5 “(a) EQUIPMENT STANDARDS.—

6 “(1) IN GENERAL.—The Secretary, in consulta-
7 tion with the Under Secretary for Science and Tech-
8 nology and the Director of the Office for Domestic
9 Preparedness, shall, not later than 6 months after
10 the date of enactment of this section, support the
11 development of, promulgate, and update as nec-
12 essary national voluntary consensus standards for
13 the performance, use, and validation of first re-
14 sponder equipment for purposes of section
15 1804(e)(6). Such standards—

16 “(A) shall be, to the maximum extent prac-
17 ticable, consistent with any existing voluntary
18 consensus standards;

19 “(B) shall take into account, as appro-
20 priate, new types of terrorism threats that may
21 not have been contemplated when such existing
22 standards were developed; and

23 “(C) shall be focused on maximizing inter-
24 operability, interchangeability, durability, flexi-



1 bility, efficiency, efficacy, portability, sustain-
2 ability, and safety.

3 “(2) REQUIRED CATEGORIES.—In carrying out
4 the activities under paragraph (1), the Secretary
5 shall specifically consider the following categories of
6 first responder equipment:

7 “(A) Thermal imaging equipment.

8 “(B) Radiation detection and analysis
9 equipment.

10 “(C) Biological detection and analysis
11 equipment.

12 “(D) Chemical detection and analysis
13 equipment.

14 “(E) Decontamination and sterilization
15 equipment.

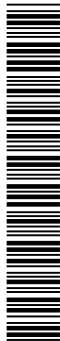
16 “(F) Personal protective equipment, in-
17 cluding garments, boots, gloves, and hoods and
18 other protective clothing.

19 “(G) Respiratory protection equipment.

20 “(H) Interoperable communications, in-
21 cluding wireless and wireline voice, video, and
22 data networks.

23 “(I) Explosive mitigation devices and ex-
24 plosive detection and analysis equipment.

25 “(J) Containment vessels.



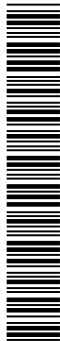
1 “(K) Contaminant-resistant vehicles.

2 “(L) Such other equipment for which the
3 Secretary determines that national voluntary
4 consensus standards would be appropriate.

5 “(b) TRAINING STANDARDS.—

6 “(1) IN GENERAL.—The Secretary, in consulta-
7 tion with the Under Secretaries for Emergency Pre-
8 paredness and Response and Science and Tech-
9 nology and the Director of the Office for Domestic
10 Preparedness, shall support the development of, pro-
11 mulgate, and regularly update as necessary national
12 voluntary consensus standards for first responder
13 training carried out with amounts provided under
14 covered grant programs, that will enable State and
15 local government first responders to achieve optimal
16 levels of terrorism preparedness as quickly as prac-
17 ticable. Such standards shall give priority to pro-
18 viding training to—

19 “(A) enable first responders to prevent,
20 prepare for, respond to, and mitigate terrorist
21 threats, including threats from chemical, bio-
22 logical, nuclear, and radiological weapons and
23 explosive devices capable of inflicting significant
24 human casualties; and



1 “(B) familiarize first responders with the
2 proper use of equipment, including software,
3 developed pursuant to the standards established
4 under subsection (a).

5 “(2) REQUIRED CATEGORIES.—In carrying out
6 the activities under paragraph (1), the Secretary
7 specifically shall include the following categories of
8 first responder activities:

9 “(A) Regional planning.

10 “(B) Joint exercises.

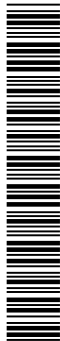
11 “(C) Intelligence collection, analysis, and
12 sharing.

13 “(D) Emergency notification of affected
14 populations.

15 “(E) Detection of biological, nuclear, radi-
16 ological, and chemical weapons of mass destruc-
17 tion.

18 “(F) Such other activities for which the
19 Secretary determines that national voluntary
20 consensus training standards would be appro-
21 priate.

22 “(c) CONSULTATION WITH STANDARDS ORGANIZA-
23 TIONS.—In establishing national voluntary consensus
24 standards for first responder equipment and training



1 under this section, the Secretary shall consult with rel-
2 evant public and private sector groups, including—

3 “(1) the National Institute of Standards and
4 Technology;

5 “(2) the National Fire Protection Association;

6 “(3) the National Association of County and
7 City Health Officials;

8 “(4) the Association of State and Territorial
9 Health Officials;

10 “(5) the American National Standards Insti-
11 tute;

12 “(6) the National Institute of Justice;

13 “(7) the Inter-Agency Board for Equipment
14 Standardization and Interoperability;

15 “(8) the National Public Health Performance
16 Standards Program;

17 “(9) the National Institute for Occupational
18 Safety and Health;

19 “(10) ASTM International; and

20 “(11) to the extent the Secretary considers ap-
21 propriate, other national voluntary consensus stand-
22 ards development organizations, other interested
23 Federal, State, and local agencies, and other inter-
24 ested persons.



1 **“SEC. 1807. DEFINITIONS.**

2 “In this title:

3 “(1) TASK FORCE.—The term ‘Task Force’
4 means the Task Force on Essential Capabilities for
5 First Responders established under section 1803.

6 “(2) BOARD.—The term ‘Board’ means the
7 First Responder Grants Board established under
8 section 1804(f).

9 “(3) COVERED GRANT.—The term ‘covered
10 grant’ means any grant to which this title applies
11 under section 1801(a).

12 “(4) ELEVATIONS IN THE THREAT ALERT
13 LEVEL.—The term ‘elevations in the threat alert
14 level’ means any designation (including those that
15 are less than national in scope) that raises the
16 homeland security threat level to either the highest
17 or second highest threat level under the Homeland
18 Security Advisory System administered by the
19 Under Secretary of Homeland Security for Informa-
20 tion Analysis and Infrastructure Protection pursuant
21 to section 201(d)(7).

22 “(5) ESSENTIAL CAPABILITIES.—The term ‘es-
23 sential capabilities’ means the levels, availability,
24 and competence of emergency personnel, planning,
25 training, and equipment across a variety of dis-
26 ciplines needed to effectively and efficiently prevent,



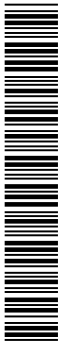
1 prepare for, and respond to acts of terrorism con-
2 sistent with established practices.

3 “(6) REGION.—The term ‘region’ means—

4 “(A) any geographic area consisting of all
5 or parts of 2 or more contiguous States, coun-
6 ties, municipalities, or other local governments
7 that have a combined population of at least
8 1,650,000 or have an area of not less than
9 20,000 square miles, and that, for purposes of
10 an application for a covered grant, is rep-
11 resented by 1 or more governments or govern-
12 mental agencies within such geographic area es-
13 tablished by law, or by agreement of 2 or more
14 such governments or governmental agencies in
15 a mutual aid agreement; or

16 “(B) any other combination of contiguous
17 local government units (including such a com-
18 bination established by law or agreement of two
19 or more governments or governmental agencies
20 in a mutual aid agreement) formally certified
21 by the Secretary as a region for purposes of
22 this Act with the consent of—

23 “(i) the State or States in which they
24 are located, including a multi-State entity



1 established by a compact between two or
2 more States; and

3 “(ii) the incorporated municipalities,
4 counties, and parishes which they encom-
5 pass.

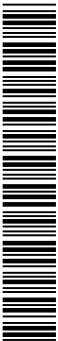
6 “(7) FIRST RESPONDER.—The term ‘first re-
7 sponder’ shall have the same meaning as the term
8 ‘emergency response provider’.”.

9 (b) DEFINITION OF EMERGENCY RESPONSE PRO-
10 VIDERS.—Section 2(6) of the Homeland Security Act of
11 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended
12 by inserting “fire,” after “law enforcement,”.

13 (c) TEMPORARY LIMITATION ON APPLICATION.—The
14 following provisions of title XVIII of the Homeland Secu-
15 rity Act of 2002, as amended by subsection (a), shall not
16 apply during the 2 year period beginning on the date of
17 the enactment of this Act:

18 (1) Subsections (b), (c), (e) (except paragraph
19 (5) of such subsection), and (f)(3)(B) of section
20 1804.

21 (2) Subparagraphs (D) and (E) of section
22 1805(e)(4) and section 1805(g)(3).



1 **SEC. 4. MODIFICATION OF HOMELAND SECURITY ADVI-**
2 **SORY SYSTEM.**

3 (a) IN GENERAL.—Subtitle A of title II of the Home-
4 land Security Act of 2002 (Public Law 107–296; 6 U.S.C.
5 121 et seq.) is amended by adding at the end the fol-
6 lowing:

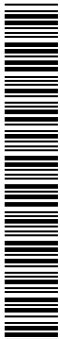
7 **“SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.**

8 “(a) IN GENERAL.—The Secretary shall revise the
9 Homeland Security Advisory System referred to in section
10 201(d)(7) to require that any designation of a threat level
11 or other warning shall be accompanied by a designation
12 of the geographic regions or economic sectors to which the
13 designation applies.

14 “(b) REPORTS.—The Secretary shall report to the
15 Congress annually by not later than December 31 each
16 year regarding the geographic region-specific or economic
17 sector-specific warnings issued during the preceding fiscal
18 year under the Homeland Security Advisory System re-
19 ferred to in section 201(d)(7), and the bases for such
20 warnings. This report shall be submitted in unclassified
21 form and may, as necessary, include a classified annex.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in section 1(b) of the Homeland Security Act of 2002 (6
24 U.S.C. 101 et seq.) is amended by inserting after the item
25 relating to section 202 the following:

“203. Homeland Security Advisory System.”.



1 **SEC. 5. COORDINATION OF INDUSTRY EFFORTS.**

2 Section 102(f) of the Homeland Security Act of 2002
3 (6 U.S.C. 112(f)) is amended by striking “and” after the
4 semicolon at the end of paragraph (6), by striking the pe-
5 riod at the end of paragraph (7) and inserting “; and”,
6 and by adding at the end the following:

7 “(8) coordinating industry efforts to identify
8 private sector resources and capabilities that could
9 be effective in supplementing Federal, State, and
10 local government agency efforts to prevent or re-
11 spond to a terrorist attack.”.

12 **SEC. 6. SUPERSEDED PROVISION.**

13 This Act supersedes section 1014 of Public Law 107–
14 56.

15 **SEC. 7. SENSE OF CONGRESS REGARDING INTEROPERABLE**
16 **COMMUNICATIONS.**

17 (a) FINDING.—The Congress finds that—

18 (1) many first responders working in the same
19 jurisdiction or in different jurisdictions cannot effec-
20 tively and efficiently communicate with one another,
21 and

22 (2) their inability to do so threatens the public’s
23 safety and may result in unnecessary loss of lives
24 and property.

25 (b) SENSE OF CONGRESS.—It is the sense of the
26 Congress that it is of national importance that interoper-



1 able emergency communications systems that to the extent
2 possible meet national voluntary consensus standards
3 should be developed and promulgated as soon as prac-
4 ticable for use by the first responder community.

5 **SEC. 8. SENSE OF CONGRESS REGARDING CITIZEN CORPS.**

6 (a) FINDING.—The Congress finds that Citizen
7 Corps councils help to enhance local citizen participation
8 in terrorism preparedness by coordinating multiple Citizen
9 Corps programs, developing community action plans, as-
10 sessing possible threats, and identifying local resources

11 (b) SENSE OF CONGRESS.—It is the sense of the
12 Congress that individual Citizen Corps councils should
13 seek to enhance the preparedness and response capabilities
14 of all organizations participating in the councils, including
15 by providing funding to as many of their participating or-
16 ganizations as practicable to promote local terrorism pre-
17 paredness programs.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 For making covered grants (as that term is defined
20 in section 1807 of the Homeland Security Act of 2002,
21 as amended by this Act) there is authorized to be appro-
22 priated to the Secretary of Homeland Security
23 \$3,400,000,000 for fiscal year 2006.

